



**The Internet & Television Association**  
25 Massachusetts Avenue, NW | Suite 100  
Washington, DC 20001  
(202) 222-2300

**Rick Chessen**  
Senior Vice President,  
Law and Regulatory Policy  
o (202) 222-2445 e rchessen@ncta.com

November 1, 2017

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: WC Docket 17-108; GN Docket No. 16-142; MM Docket Nos. 14-50, 09-182,  
07-294, 04-256**

Dear Ms. Dortch:

On October 30, 2017, Michael Powell, President & CEO, and Rick Chessen, Senior Vice President, Law & Regulatory Policy, both of NCTA - The Internet & Television Association, met with Commissioner Brendan Carr and Nirali Patel, Acting Legal Advisor to the Commissioner.

During the meeting, Mr. Powell stressed the cable industry's continued opposition to the regulation of broadband Internet access service under Title II of the Communications Act. Mr. Powell noted that, until 2015, broadband had been classified as a Title I "information service" by Democratic and Republican Administrations alike and that Title I's light regulatory touch had been critical to broadband ISPs' ability to innovate, attract capital and make the massive investments necessary to constantly expand the reach and capabilities of their networks.

We also discussed the need for the Commission to ensure that the broadcasters' voluntary roll-out of ATSC 3.0 does not disrupt consumers or impose costs and burdens on cable operators and their customers. In particular, we reiterated our position that the Commission should require robust simulcasting requirements during the transition period, including a requirement that the broadcaster's ATSC 1.0 signal continue to be transmitted in the same format as before the transmission of the companion ATSC 3.0 signal. Consumers should not be required to purchase new TV sets to continue watching HD and other high-quality programming that they enjoy today. We also asserted that the simulcasting requirements should be maintained until the Commission affirmatively determines in a future proceeding that they should be lifted.

In addition, given the substantial complexity and costs for MVPDs to carry ATSC 3.0 signals (costs ultimately borne by consumers), the Commission should make clear that it will scrutinize efforts by broadcasters to obtain premature carriage of ATSC 3.0 by unreasonably withholding access to ATSC 1.0 signals.

Finally, with respect to local media ownership, we raised concerns about any revision of the duopoly rule that would permit joint retransmission consent negotiations by two “top-four” commonly-owned stations in the same market. We noted NCTA’s prior advocacy opposing joint retransmission consent negotiations and the Commission’s previous finding that joint negotiations by top-four stations were anticompetitive and harmful to consumers.<sup>1</sup> There is nothing in the current record that would permit the Commission to essentially overturn that finding.

Respectfully submitted,

**/s/ Rick Chessen**

Rick Chessen

cc: B. Carr  
N. Patel

---

<sup>1</sup> See *Amendment of the Commission's Rules Related to Retransmission Consent*, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 3351 (2014).